

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THE CHURCH FOR ALL NATIONS, INC., SPA 83-P-057-05 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 83-P-057 previously approved for a place of worship to permit change in permittee and deletion of land area. Located at 2535 Cedar La. and 8506, 8526 and 8529 Amanda Pl. on approx. 12.38 of land zoned R-1 and R-4. Providence District. Tax Map 49-1 ((1)) 35A, 37, 38 and 38A. (Admin. moved from 12/15/09 at appl. req.) (Deferred from 1/13/10 at appl. req.) (Decision deferred from 2/24/10) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 31, 2010; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, The Church for All Nations, Inc., and is not transferable without further action of this Board, and is for the location (2535 Cedar Lane, 8529 Amanda Place, 8526 Amanda Place and 8506 Amanda Place) indicated on the application and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment plat prepared by Larry D. Caruthers, P.E., ATCS, P.L.C., dated May 15, 2009 and revised through December 9, 2009 and approved with this application as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved special permit amendment (SPA) plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of seats in the main area of worship shall not exceed 500.
6. 169 parking spaces shall be provided as shown on the special permit plat. Overflow parking shall be provided at the Thoreau Intermediate School so long as the applicant obtains and maintains a valid agreement with the appropriate County agency. All other parking shall be on-site. There shall be no parking on Amanda Place. If after diligent efforts, a valid parking agreement with Thoreau Intermediate School cannot be obtained or maintained, a site plan shall be submitted to DPWES for approval to construct a minimum of 50 parking spaces in that area identified on the SPA Plat as "Possible Future Parking." All new parking lots shall be constructed, screened by landscaping and/or barriers, and maintained in accordance with provisions of the Zoning Ordinance and the Public Facilities Manual (PFM).
7. All interior and peripheral landscaping for the parking lot(s) shall be provided in accordance with Article 13. The landscaping shall be maintained in a healthy condition and dead and/or dying plant materials replaced. Prior to the issuance of the new Non-RUP, Urban Forest Management shall inspect the site and shall require replacement and/or new vegetation to meet the intent of the parking lot landscaping requirements.
8. Transitional Screening shall be modified along all lot lines, as shown on the SPA Plat. The landscaping shall be maintained in a healthy condition and dead and/or dying materials replaced. Prior to the issuance of the new Non-RUP, Urban Forest Management shall inspect the site and shall require replacement and/or new vegetation to meet the intent of Transitional Screening requirements.
9. The barrier requirement shall be waived on all lot lines.
10. Except as required by Conditions 6 and 11, there shall be no land disturbance associated with this application.
11. The stormwater management facilities shall be properly maintained on this site. In addition to the existing stormwater management facilities as shown on the SPA Plat, a stormwater management facility shall be installed between the Church building and the multi-use building, north of the existing concrete walk and in proximity to the northern property line shared with Thoreau Intermediate School. Said facility may consist of a rain garden, an infiltration trench, a combination thereof, or other type of facilities as reviewed and approved by DPWES. In order to assure that the trees in the area adjacent to the new facility will be minimally impacted, prior to installation of any facility; the plans shall be reviewed and approved by Urban Forestry Management (UFM). The facility shall be designed to accommodate undetained runoff from Thoreau Intermediate School so that there is no net increase in the 10-year pipe flow at Structure M-2 located in Bowling Green Drive, adjacent to Lot 11, Dunn Loring Woods, Section

One, Block N, as calculated using current methodologies. Said facility shall be installed prior to installation of Phase 1 sedimentation controls associated with development of property identified among the Fairfax County tax assessment records as 49-1 ((1)) 35A.

12. If the shed on Parcel 38A is removed for any reason, it may be replaced provided that minimum required yards are met and it is located outside any required planting areas.
13. There shall be a minimum of 45 minutes between the end of one worship service and the start of the next worship service.
14. The multi-use building shall not be used for services or other activities that coincide with services in the sanctuary, other than Sunday School, adult Bible Study, children's services and English Ministries (youth outreach/bible study in English), to ensure that the parking needs are met during the peak operating hours of the place of worship, which is the principal use on the property. With the exception of a "crying room" for parents and infants, worship services held in the main sanctuary shall not be simultaneously broadcast to other rooms or buildings.
15. Any new parking lot lighting installed shall be in accordance with the outdoor lighting standards as set forth in Section 14-900 of the Zoning Ordinance. The proposed parking lot light fixtures shall be fully shielded and International Dark Sky (IDA) approved. Exclusive of security lighting, all outdoor lighting shall be turned off within a half hour of the end of any night time meetings and/or services. Motion detectors may be installed on parking lot and security lighting as a security measure.

These development conditions incorporate and supersede all previous development conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hart seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.